IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37003 of 2007(E)

AGAINST THE ORDER IN EP.327/2001 IN
OS.590/1995 of PRL.S.C.,THALASSERY

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PETITIONER: IST RESPONDENT

K.P.NARAYANAN, S/O.T.T.KRISHNAN,
KIDANGIL PUTHIYAPURAYIL HOUSE, P.O.ALAVIL,
PALLIAM MOOLA, KANNUR DISTRICT.

BY ADV. SRI.H.BADARUDDIN
SRI.C.A.JOSEPH

RESPONDENTS: PETITIONERS

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1. SAKTHI FINANCE COMPANY LTD.,
COIMBATORE REP. BY ITS GENERAL MANAGER
(ADVANCE), V.KUMARAGURUNATHAN, COIMBATORE P.O.,
TAMIL NADU.

2. T.BALARAMAN, S/O.T.RAMAN,
SARASWATHI SADANAM, MATTANNUR P.O.,
KANNUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C). NO. 37003 OF 2007

Dated this the 18th day of December, 2007

J U D G M E N T

This writ petition is filed seeking to set aside Ext.P2 sale proclamation. It is submitted that the value shown in the sale proclamation is very low. He would also contend that he is an agricultural labourer. There is a decree against the respondents. It is seen from the proclamation produced that the 2nd respondent has transfered his property in favour of somebody else. As per the document, the present writ petitioner has sold the vehicle to the 2nd respondent and there was a hire purchase agreement as well. Therefore the person who has been benefited by the whole transaction is the 2nd respondent.

Therefore I direct the court below first to proceed with the sale of the property of the 2nd respondent and then to proceed with the sale of the present writ petitioner, if the amount received by the sale of the 2nd respondent's property is not sufficient enough to discharge the decree debt.

The writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

vps